

Notice of Allowability	Application No.	Applicant(s)
	10/758,285	MIHASHI ET AL.
	Examiner	Art Unit
	Mohammed Hasan	2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to _____.
2. The allowed claim(s) is/are 1-24.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 6/23/04, 10/1/04
4. Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION***Allowable Subject Matter***

1. Claims 1-24 are allowed.
2. The following is an examiner's statement of reasons for allowance: The prior art taken either singularly or in a combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims 1 and 13, which include, an ophthalmologic apparatus having a measurement part for obtaining a cornel shape of the subject eye from a received light signal of the first light receiving part plural time at a measurement start point of time during a subsequent period of time and a judgment part for judging a state of a dry eye by comparing temporal changes of the cornel shape from measurement result of the measurement part (claim 1); and a wavefront measurement part for obtaining aberration components of the subject eye including at least higher order aberration from a received light signal of the light receiving part obtained plural times at a start point of time after blink of the subject eye during a subsequent specified period and a judgment part for judging a state of dry eye by comparing temporal changes at least the higher order aberrations of measurement results of the measurement part (claim 13).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The closest prior art Yoshida et al (6,022,108) discloses an ophthalmic apparatus for judging alignment condition based on target images and Isogai et al (5,341,180) discloses an ophthalmic photographic apparatus. Accordingly , all of the references cited alone or in a combination with any other prior art references fail to teach or suggest the claimed a measurement part, a judgment part for judging a state of a dry eye by comparing temporal changes of the cornel shape from measurement result of the measurement part, and a wavefront measurement part, and a judgment part for judging a state of dry eye by comparing temporal changes at least the higher order aberrations of measurement results of the measurement part.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Priority

5. Receipt of acknowledged of papers submitted under 35 U.S.C. 119 (a) – (d), which papers have placed in the file.

Oath/Declaration

6. Oath and declaration filed on 6/23/2004 is accepted.

Information Disclosure Statement

7. The prior art documents submitted by applicant in the Information Disclosure Statement filed on 6/23/2004 and 10/1/2004 have all been considered and made of record (note the attached copy of form PTO – 1449).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L Mack can be reached on (571) 272- 2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MH
February 22, 2007



HUNG DANG
PRIMARY PATENT EXAMINER